

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

<b>In re</b>	)	
	)	
<b>Petition for Notice of Inquiry Regarding</b>	)	
<b>Call Forwarding Requirements and Carrier</b>	)	
<b>Blocking Options for Non-Initialized Phones</b>	)	<b>PS Docket No. 08-51</b>

**INITIAL COMMENTS OF THE TEXAS 9-1-1 ENTITIES  
TO THE PUBLIC NOTICE TO REFRESH THE RECORD**

The Texas 9-1-1 Alliance<sup>1</sup> and the Municipal Emergency Communication Districts Association<sup>2</sup> (collectively, “the Texas 9-1-1 Entities”) respectfully submit the following brief initial comments to the Federal Communications Commission (the “Commission”) public notice seeking to refresh the record regarding options for addressing non-emergency calls to 9-1-1 from non-service initialized (“NSI”) handsets.<sup>3</sup> Specifically, the public notice seeks comment on whether other interested parties agree or disagree with the view of the National Emergency Numbering Association (“NENA”) that the Commission should consider phasing out the call-forwarding requirement as it applies to NSI devices, in addition to seeking comment on “relevant

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<sup>1</sup> The Texas 9-1-1 Alliance is an interlocal cooperation entity composed of 24 Texas Emergency Communication Districts with E9-1-1 service and public safety responsibility for approximately 53% of the population of Texas. These emergency communication districts were created pursuant to Texas Health and Safety Code Chapter 772 and are defined under Texas Health and Safety Code § 771.001(3)(B).

<sup>2</sup> The Municipal Emergency Communication Districts Association is an association of 26 municipal emergency communication districts, as defined under Texas Health and Safety Code § 771.001(3)(A), that are located primarily in the Dallas-Fort Worth area.

<sup>3</sup> *Public Safety and Homeland Security Bureau seeks to refresh the record regarding options for addressing non-emergency calls to 911 from non-service initialized handsets*, DA 13-430, PS Docket No. 08-51 (rel. Mar. 14, 2013) (“public notice”).

changes in industry, technology, regulation, public practice, or otherwise that may have occurred since the earlier filing of comments.”<sup>4</sup>

**A. Updating Record Information on the NSI Problem and Related Issues**

The Texas 9-1-1 Entities have reviewed a sample of recent Texas call data, and that data sample indicates that approximately 8% to 10% of wireless 9-1-1 calls are from NSI handsets.<sup>5</sup> For individual PSAPs within an area, the percentage of NSI calls can range from as low as 2% to as high as 18%.<sup>6</sup> The recent call data also appears to indicate that a high percentage of abandoned 9-1-1 calls (as much as 32%) are from NSI devices.<sup>7</sup> The high percentage of abandoned 9-1-1 calls from NSI handsets is troublesome, given that 9-1-1 calls from NSI handsets lack callback capability.

The Texas 9-1-1 Entities believe that certain information would be potentially relevant to analyzing the NSI issue, as a result of changes since the earlier filing of comments, including:

- (1) What number and percentage of legitimate 9-1-1 calls would have not otherwise been made and reached PSAPs, but for the current NSI requirement?
- (2) What number and percentage of legitimate 9-1-1 calls would have otherwise had callback number information, if there were no NSI option?
- (3) In the absence of the Commission continuing the current NSI requirement, are there going to be voluntary industry NSI “best practices” to address issues such as the expiration of prepaid wireless service, disconnections resulting from billing disputes, and/or “cold start”?
- (4) Are Long-term Evolution (“LTE”) transition deployments potentially going to make NSI simpler and easier, based on standards, or more difficult and complex, among different types of LTE and CMRS networks?

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<sup>4</sup> Public notice at p. 3.

<sup>5</sup> Tarrant County 9-1-1 District, March 2013 call data.

<sup>6</sup> Bexar Metro 9-1-1 Network District, Jan. - March 2013 call data.

<sup>7</sup> City of Plano, March 2013 call data.

- (5) Are there Internet Protocol (“IP”) security issues with applying NSI requirements to LTE and/or mobile VoIP?
- (6) In the future, will consumers be able to reasonably and reliably understand when a particular device (e.g., smartphone handset, phablet, or tablet) will have NSI capability, and will broadband access be needed at some point for NSI devices to function?
- (7) In the future, will the increasing percentage of LTE, mobile VoIP, CMRS home phone substitutes, converged services, smartphone handsets, phablets, tablets, text-to-9-1-1 for SMS and the changes within voice and data mobile service marketplaces impede, necessitate, confuse, and/or change reasonable consumer expectations associated with NSI?

To the extent that the industry or others have current relevant information related to the questions set forth above, and if such information can be provided and added to the record in this proceeding, the Commission and others may be able to make better informed decisions related to current and potential future NSI matters.

**B. NENA Suggestion on Phasing Out NSI Call-forwarding Requirement**

Some members of the Texas 9-1-1 Entities fully support NENA’s suggestion to phase out the NSI call-forwarding requirement. Other members of the Texas 9-1-1 Entities have questions about implications that may result from the phase out of the NSI requirement, similar to the types of issues that were previously raised in reply comments by Verizon Wireless in 2008.<sup>8</sup> Certain other members of the Texas 9-1-1 Entities have concerns that focusing too much on whether to phase out the NSI requirement may be somewhat of a distraction – if the Commission’s NSI requirement were to simply be replaced by some type of voluntary industry NSI best practices.

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<sup>8</sup> See Verizon Wireless 2008 Reply Comments at pp. 6-7, pointing out that even if there were no Commission NSI requirement the following issues would remain:

- Problems distinguishing NSI phones from roamer phones;
- Unresolved billing disputes that result in disconnection;
- Normal network timeouts or service loss that, until the network recovers, will treat a validly subscribed phone appear to the network to be a NSI phone.

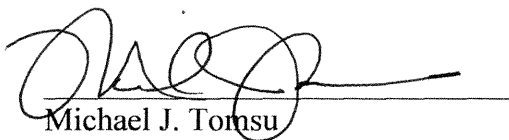
In addition, concerns regarding customer re-education are also valid. Simply put, after eleven years of the all calls rule, it is not so easy to “put the genie back in the bottle.”

In other words, whether the Commission adopts a phase out of the current NSI requirement, as suggested by NENA, or simply leaves the current requirement in place, NSI may remain a problematic fact of life for PSAPs going forward. Upcoming transitions and changes within the industry may create yet additional questions and issues associated with NSI under either alternative.

**C. Conclusion**

The Texas 9-1-1 Entities appreciate the opportunity to provide these initial comments, and respectfully request that the Commission take action consistent with their initial comments.

Respectfully submitted,



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On behalf of the Municipal Emergency Communication Districts Association

On the comments:

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May 16, 2013